IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 4TH JANUARY 2007 / 14TH SAKHA 1928

Crl.MC.No. 3374 of 2006()

CRMP.135/2006,136/2006, 138/2006 IN R.C.NO.13(A)/2004/KER
of SPL.COURT SPE/CBI-II & IV ADDL.SESSIONS COURT, ERNAKULAM
CRIME NO.RC 13(A)/2004-KERALA OF CBI, COHIN

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PETITIONER/NON-PARTY:

K.R. SASIDHARAN NAIR, GENERAL SECRETARY
FACT EMPLOYEES FEDERATION (O7/17/92)
NANDANAM, THAMARASSERY ROAD,
POONITHURA, COCHIN-682 038.

BY ADV. SRI.P.A.CHANDRAN
SRI.A.L.GEORGE

RESPONDENTS/COMPLAINANT & STATE:

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1. INSPECTOR OF POLICE, CENTRAL BUREAU
OF INVESTIGATION, COCHIN REPRESENTED BY
THE CBI SPECIAL PROSECUTOR, ERNAKULAM.(COMPLAINANT)

2. R. SUNDARESH SHENOY,
S/O.K. RAMACHANDRA SHENOY, 38/837,
OPP.TCI GODOWN, TD ROAD, ERNAKULAM, COCHIN.(A1)

3. K.P. BALAGOPALAN,
S/O.LATE SANKUNNY MENON,49/172,
CHATTAKAL HOUSE, BLOSSOM LANE, ERNAKULAM, COCHIN 26(A-2).

4. R. VENKATASUBRAMANIA IYER @ RVS MONY,
S/O.T.S. RAMAKRISHNAN, 76-'DWARAKA',
TASS HALL ROAD, ALWAYE-683 101.(A3)

5. J. NARAYANA MURTHY,
S/O.JANAKI RAMAN 37/38, PADMAVATHY STREET,
SANTHOSH NAGAR, MADANATHAPURAM,
PORUR, CHENNAI-600 016.(A4)

6. P.K. RAMDAS, S/O.D.A.KRISHNA WARRIER
FLAT TH, 3RD FLOOR, BLOCK IV, JAINS ASHRAYA,
VEMBULI AMMAN KOIL STREET,
VIRUGAMBAKKAM, CHENNAI-600 092.(A5)

7. CAPT.ALEXANDER FRANCIS,
S/O.SEBASTIAN FRANCIS, HB-27,
PANAMPILLY NAGAR, COCHIN-682 035.(A8)

8. K.P. SREENIVASAN, S/O.LATE K.K.PICHUMANY
14-NIEW RAJA COLONY 4TH CROSS,
BHEEMA NAGAR, TRICHY-620 022.(A9)

9. N. KRISHNAN, S/O.T.S.NARAYANA SWAMY,
26-A, `SHYAM' VIDYA NAGAR,
UNIVERSITY P.O., COCHIN-682 022.(A13)

BY ADV. SRI.S.SREEKUMAR, SC FOR CBI
SRI.P.VIJAYA BHANU
SMT.P.MAYA
SRI.ANIL K.MOHAMMED
SRI.DELVIN JACOB MATHEWS
SRI.G.JANARDHANA KURUP (SR.)
SRI.JOHN K.GEORGE
SRI.K.S.ARUN KUMAR
SRI.E.C.BINEESH
SRI.GEO PAUL
SRI.SANU MATHEW
SRI.C.R.PRAMOD
SRI.S.RAMESH BABU
SRI.RAJU RADHAKRISHNAN
SRI.ANIL K.MOHAMMED
SRI.DELVIN JACOB MATHEWS
SRI.GEO PAUL
SRI.SANU MATHEW
SRI.C.R.PRAMOD
PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 04/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.3374 of 2006

Dated this the 4th day of January 2007

O R D E R

The petitioner is the General secretary of FACT Employees Federation. He is aggrieved by the grant of bail to Respondents 2 to 9 by the Special Judge-II, CBI, Ernakulam in Crime RC No.13(A)/2004.

2. In respect of a contract, which was entered into by the FACT in 1997, very serious allegations of corruption were raised. According to the petitioner, the trade unions of employees had, even at the time when the contract was entered into, entertained reservations and raised objections against such contract being entered into to the detriment of the interests of the establishment. Long later, on 27/05/2004, the CBI had registered a crime suo moto. Investigation continued and later in September 2006, respondents 2 to 9 were arrested. They were produced before the learned Special Judge. They were enlarged on bail.

3. The petitioner complaints that the release on bail is unjustified. The allegations are serious. At least till the

investigation is completed, bail should not have been granted to the accused/respondents, it is contended.

4. That application is opposed by the learned counsel for the accused that is respondents 2 to 9. There is absolutely no justification in the prayer made by the petitioner, a stranger for cancellation of bail. By no stretch of imagination, can it be contended that continued detention of the respondents is necessary for any proper or effective investigation. They pray that this petition may be dismissed.

5. The learned Standing Counsel for the CBI also submits that the CBI does not want to raise any objections against the grant of bail. The CBI does not endorse the request for cancellation of bail. The alleged incident had taken place long back in 1997 and it is after detailed enquiry that the crime was registered on 27/5/2004. Thereafter, necessary investigation was conducted and the CBI came to the conclusion about the complicity of the respondents and effected arrest in September 2006. For the purpose of investigation, their continued detention is not necessary.

6. The CBI has already completed the investigation and has filed charge sheet also. In these circumstances, the CBI does not agree with the request of the petitioner that bail granted must be cancelled.

7. Having heard both the counsel and having considered all the relevant inputs, I find absolutely no merit to invoke the powers of this court for cancellation of bail. Investigation having already been completed and the alleged incident having taken place long earlier in 1997, I find no reasonableness in the apprehension that a proper trial/adjudication will be impossible if the respondents are allowed to remain in bail.

8. This Criminal Miscellaneous Case is in these circumstances dismissed.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006